

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RANDAL N. WIIDEMAN,

Plaintiff,

vs.

CALVIN PECK, *et al.*,

Defendants.

3:10-cv-00024-LRH-RAM

ORDER

This is a prisoner civil rights action. Plaintiff is incarcerated at Ely State Prison (“ESP”) and sued correctional officer Calvin Peck. Plaintiff alleged that defendant imposed disciplinary sanctions against plaintiff in retaliation for plaintiff filing suit in *Wiideman v. McDaniel, et al.*, 3:09-cv-00650-LRH-VPC.

The Court determined that the claim in this action was “directly relate[d] to his claims in *Wiideman v. McDaniel*,” which had already been consolidated pursuant to Fed. R. Civ. P. 42 with three other actions filed by plaintiff. (*See Wiideman v. McDaniel, et al.*, 3:09-cv-00650-LRH-VPC, docket #9). The case was dismissed and plaintiff was invited to amend his complaint in that case to include this claim. Plaintiff now argues the dismissal was in error because the claim did not relate to his issues with mail procedures but with retaliation. (ECF No. 11.) The motion shall be denied. Even if the claim is one for retaliation, it is a claim that arose and was directly related to the claims and facts giving rise to

1 his previous action and it should have been included in that complaint as a matter of judicial economy.
2 F.R.C.P. 42(a).

3 **IT IS THEREFORE ORDERED** that the Motion to Vacate Order Dismissing Case (ECF No.
4 11) is **DENIED**.

5
6 DATED this 25th day of April, 2011.

7
8 

9
10

LARRY R. HICKS
11 UNITED STATES DISTRICT JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26